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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 3915/2024**

SHRI PRAVEEN BAHL

.....Petitioner

Through: Mr. Vishaal Sharma & Mr. Abhishek
Sharma, Advs.

versus

SHRI SANJEEV KUMAR BAHL

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

26.11.2024

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1. The petition is against the order dated 20.05.2023 passed on an application filed by the petitioner under Section 151 CPC.
2. Learned counsel submits that petitioner is the plaintiff in the partition suit filed before the learned Trial Court against his brother and father.
3. It is submitted that at the time of filing of the suit, the petitioner had filed the Court fees in respect of his 1/3rd share in the suit property. During the course of pendency of the suit, father of the petitioner had expired and accordingly property was divided between the petitioner and his brother in equal share and final decree was passed on 30.09.2022, with direction that the decree sheet shall be drawn up on non-judicial stamp paper to be furnished by the parties
4. The learned counsel further submits that the petitioner is ready to pay the balance court fees in the shape of non judicial stamp paper in respect of



his 50% share in the suit property after adjusting the court fees already paid at the time of filing of the suit and for the purpose of the said clarification, he had filed an application under Section 151 CPC, but the same came to be dismissed by the learned Trial Court holding that there was no ambiguity in the order and thus no clarification was required.

5. Keeping in view of the facts and circumstances, the present petition is disposed of, with direction to learned Trial Court to determine the court fee payable by the petitioner as per law and issue necessary directions accordingly.

6. The petition is disposed of in the above terms.

RAVINDER DUDEJA, J

NOVEMBER 26, 2024

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